
SUBSTITUTE SENATE BILL 5728

State of Washington

66th Legislature

2019 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Walsh, Conway, Keiser, Rivers, Wilson, C., and Becker)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to the establishment of a training network for
2 adult family homes; amending RCW 70.128.010 and 70.128.230; and
3 adding a new section to chapter 70.128 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.128.010 and 2007 c 184 s 7 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Adult family home" means a residential home in which a
10 person or persons provide personal care, special care, room, and
11 board to more than one but not more than six adults who are not
12 related by blood or marriage to the person or persons providing the
13 services.

14 (2) "Provider" means any person who is licensed under this
15 chapter to operate an adult family home. For the purposes of this
16 section, "person" means any individual, partnership, corporation,
17 association, or limited liability company.

18 (3) "Department" means the department of social and health
19 services.

20 (4) "Resident" means an adult in need of personal or special care
21 in an adult family home who is not related to the provider.

1 (5) "Adults" means persons who have attained the age of eighteen
2 years.

3 (6) "Home" means an adult family home.

4 (7) "Imminent danger" means serious physical harm to or death of
5 a resident has occurred, or there is a serious threat to resident
6 life, health, or safety.

7 (8) "Special care" means care beyond personal care as defined by
8 the department, in rule.

9 (9) "Capacity" means the maximum number of persons in need of
10 personal or special care permitted in an adult family home at a given
11 time. This number shall include related children or adults in the
12 home and who received special care.

13 (10) "Resident manager" means a person employed or designated by
14 the provider to manage the adult family home.

15 (11) "Adult family home licensee" means a provider as defined in
16 this section who does not receive payments from the medicaid and
17 state-funded long-term care programs.

18 (12) "Adult family home training network" means a nonprofit
19 organization, joint partnership, or trust established by the
20 exclusive bargaining representative of adult family homes designated
21 under RCW 41.56.029 with the capacity to provide training, workforce
22 development, and other services to adult family homes.

23 NEW SECTION. Sec. 2. A new section is added to chapter 70.128
24 RCW to read as follows:

25 If the department has any contracts for personal care services
26 with any adult family home represented by an exclusive bargaining
27 representative:

28 (1) Training required under this chapter for adult family homes
29 must be available through an adult family home training network;

30 (2) Contributions to the adult family home training network must
31 be made under a collective bargaining agreement. For the 2019-2021
32 biennium, contributions must be within the amount appropriated for
33 the 2019-2021 collective bargaining agreement;

34 (3) The adult family home training network shall provide reports
35 as required by the department verifying that providers have complied
36 with all training requirements; and

37 (4) The exclusive bargaining representative shall designate the
38 adult family home training network.

1 **Sec. 3.** RCW 70.128.230 and 2013 c 259 s 5 are each amended to
2 read as follows:

3 (1) The definitions in this subsection apply throughout this
4 section unless the context clearly requires otherwise.

5 (a) "Caregiver" includes all adult family home resident managers
6 and any person who provides residents with hands-on personal care on
7 behalf of an adult family home, except volunteers who are directly
8 supervised.

9 (b) "Indirect supervision" means oversight by a person who has
10 demonstrated competency in the core areas or has been fully exempted
11 from the training requirements pursuant to this section and is
12 quickly and easily available to the caregiver, but not necessarily
13 on-site.

14 (2) Training must have three components: Orientation, basic
15 training, and continuing education. All adult family home providers,
16 resident managers, and employees, or volunteers who routinely
17 interact with residents shall complete orientation. Caregivers shall
18 complete orientation, basic training, and continuing education.

19 (3) Orientation consists of introductory information on
20 residents' rights, communication skills, fire and life safety, and
21 universal precautions. Orientation must be provided at the facility
22 by appropriate adult family home staff to all adult family home
23 employees before the employees have routine interaction with
24 residents.

25 (4) Basic training consists of modules on the core knowledge and
26 skills that caregivers need to learn and understand to effectively
27 and safely provide care to residents. Basic training must be outcome-
28 based, and the effectiveness of the basic training must be measured
29 by demonstrated competency in the core areas through the use of a
30 competency test. Basic training must be completed by caregivers
31 within one hundred twenty days of the date on which they begin to
32 provide hands-on care. Until competency in the core areas has been
33 demonstrated, caregivers shall not provide hands-on personal care to
34 residents without direct supervision.

35 (5) For adult family homes that serve residents with special
36 needs such as dementia, developmental disabilities, or mental
37 illness, specialty training is required of providers and resident
38 managers.

39 (a) Specialty training consists of modules on the core knowledge
40 and skills that providers and resident managers need to effectively

1 and safely provide care to residents with special needs. Specialty
2 training should be integrated into basic training wherever
3 appropriate. Specialty training must be outcome-based, and the
4 effectiveness of the specialty training measured by demonstrated
5 competency in the core specialty areas through the use of a
6 competency test.

7 (b) Specialty training must be completed by providers and
8 resident managers before admitting and serving residents who have
9 been determined to have special needs related to mental illness,
10 dementia, or a developmental disability. Should a resident develop
11 special needs while living in a home without specialty designation,
12 the provider and resident manager have one hundred twenty days to
13 complete specialty training.

14 (6) Continuing education consists of ongoing delivery of
15 information to caregivers on various topics relevant to the care
16 setting and care needs of residents. Competency testing is not
17 required for continuing education. Continuing education is not
18 required in the same calendar year in which basic or modified basic
19 training is successfully completed. Continuing education is required
20 in each calendar year thereafter. If specialty training is completed,
21 the specialty training applies toward any continuing education
22 requirement for up to two years following the completion of the
23 specialty training.

24 (7) Persons who successfully challenge the competency test for
25 basic training are fully exempt from the basic training requirements
26 of this section. Persons who successfully challenge the specialty
27 training competency test are fully exempt from the specialty training
28 requirements of this section.

29 (8) (a) Registered nurses and licensed practical nurses licensed
30 under chapter 18.79 RCW are exempt from any continuing education
31 requirement established under this section.

32 (b) The department may adopt rules that would exempt licensed
33 persons from all or part of the training requirements under this
34 chapter, if they are (i) performing the tasks for which they are
35 licensed and (ii) subject to chapter 18.130 RCW.

36 (9) In an effort to improve access to training and education and
37 reduce costs, especially for rural communities, the (~~coordinated~~
38 ~~system of long-term care training and education~~) adult family home
39 training network must include the use of innovative types of learning
40 strategies such as internet resources, videotapes, and distance

1 learning using satellite technology coordinated through community
2 colleges, private associations, or other entities, as defined by the
3 department.

4 (10) The adult family home training network shall assist adult
5 family homes that desire to deliver facility-based training with
6 facility designated trainers, or adult family homes that desire to
7 pool their resources to create shared training systems(~~(, must be~~
8 ~~encouraged by the department in their efforts)~~). The department shall
9 develop criteria for reviewing and approving trainers and training
10 materials. The department may approve a curriculum based upon
11 attestation by an adult family home administrator that the adult
12 family home's training curriculum addresses basic and specialty
13 training competencies identified by the department, and shall review
14 a curriculum to verify that it meets these requirements. The
15 department may conduct the review as part of the next regularly
16 scheduled inspection authorized under RCW 70.128.070. The department
17 shall rescind approval of any curriculum if it determines that the
18 curriculum does not meet these requirements.

19 (11) The department shall adopt rules by September 1, 2002, for
20 the implementation of this section.

21 (12)(a) Except as provided in (b) of this subsection, the
22 orientation, basic training, specialty training, and continuing
23 education requirements of this section commence September 1, 2002,
24 and shall be applied to (i) employees hired subsequent to September
25 1, 2002; or (ii) existing employees that on September 1, 2002, have
26 not successfully completed the training requirements under RCW
27 70.128.120 or 70.128.130 and this section. Existing employees who
28 have not successfully completed the training requirements under RCW
29 70.128.120 or 70.128.130 shall be subject to all applicable
30 requirements of this section.

31 (b) Beginning January 7, 2012, long-term care workers, as defined
32 in RCW 74.39A.009, employed by an adult family home are also subject
33 to the training requirements under RCW 74.39A.074.

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